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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/072,175 | 02/07/2002 | Frank J. Chu | PT-035 | 1300 |
| 7590 | | 08/30/2006 | EXAMINER | |
| JOHN W. OLIVO, JR. | | JOO, JOSHUA | | |
| WARD & OLIVO | | ART UNIT | | |
| 382 SPRINGFIELD AVENUE | | PAPER NUMBER | | |
| SUMMIT, NJ 07901 | | 2154 | | |

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/072,175 | CHU ET AL. | |
| | Examiner | Art Unit | |
| | Joshua Joo | 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment filed 7/19/2006

1. Claims 1, 3-5 are presented for examination.

Claim 2 is withdrawn by the Applicant.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/2006 has been entered.

Response to Arguments

3. Applicant's arguments filed 7/19/2006 have been fully considered but they are not persuasive. Applicant argued that:

4. (1) Baxley and King fail to teach a method of linking a plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server whereby the packet-switched conferencing server is independent from the circuit-switched conferencing server.

5. In response, Baxley's teachings provide an efficient system of a single server performing the functions of two servers, i.e. packet-switched and circuit-switched. Baxley teaches of linking a first plurality of clients to a second plurality of clients by a conferencing server acting as both a packet-switched conferencing server and a circuit-switched conferencing server, to which is acknowledged by the Applicant (See Remarks filed 7/19/2006, Page 9, lines 10-16, "Baxley

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discloses... MCU pool 165 which act as both a packet-switched conferencing server and a circuit-switch conferencing server.”).

Since Baxley teaches of a packet-switched conferencing server and circuit-switched conferencing server for communication between clients in circuit switched network and packet switched network, Applicant's invention does not disclose patentable novelty. The only difference between the prior art, i.e. Baxley, and the Applicant's invention is that the packet-switched conferencing server and the circuit-switched conferencing server are independent from each other. However, if the packet-switched conferencing server and the circuit-switched conferencing server can be disclosed as a single server, it would have been obvious to one of ordinary skill in the art that Baxley's teachings can be modified for the packet-switched conferencing server and the circuit-switched conferencing server to be independent from each other.

Kung teaches of communication between a plurality of conferencing servers (Col 31, lines 29-50). While Kung does not explicitly teach of independent packet-switched and circuit-switched servers, King does teach of establishing connections between independent conferencing servers and forwarding audio packets between independent conferencing servers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baxley and Kung to have independent conferencing servers, i.e. packet-switched and circuit-switched servers, communicating with each other because implementing independent conferencing servers would distribute the load of a server and offload processing power of a server (Col 31, lines 36-39). Applicant's invention discloses neither patentable novelty nor non-obvious features over prior art.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Baxley et al, US Publication #2004/0085913 (Baxley hereinafter), in view Kung et al, US Patent #6,671,262 (Kung hereinafter).

8. As per claim 1, Baxley teaches substantially the invention as claimed including a method for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

receiving a first audio packet, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

receiving, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.);

forwarding said second audio packets to said second plurality of clients (Paragraph 0051; 0052. Output stream is transmitted to the GSTN endpoints.)

mixing said first audio packet with said second audio packets from the first plurality of clients into a composite packet (Paragraph 0050; 0054. Audio inputs are mixed. Sum stream represents the mixed input of all selected inputs.); and

forwarding said composite packet to each of the first plurality of clients connected to said packet-switched conferencing server (Paragraph 0052. Sum stream is directed to the packet-based endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

9. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server; and forwarding, over said connection, said second audio packet to said circuit-switched conferencing server; whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server.

10. Kung teaches of a system for conferencing comprising a plurality of conferencing servers that establish connections with each other for forwarding audio packets transmitted by a plurality of clients (Col 31, lines 29-50).

11. Baxley teaches of a conferencing server performing the functions of both a packet-switched and circuit-switched servers. Therefore, it would have been obvious to one of ordinary skill in the art that Baxley's teachings may be modified to provide independent packet-switched

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and circuit-switched servers. In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baxley and Kung to implement independent conferencing servers, i.e. packet-switched and circuit-switched, to establish connections with each other for forwarding audio packets because implementing independent conferencing servers would distribute the load of a server and offload processing power of a server (Col 31, lines 36-39).

12. As per claims 3 and 5, Baxley teaches substantially the invention as claimed including a method and a computer readable storage medium for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

receiving a first audio packet, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by the said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.);

receiving, by said circuit-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

mixing said first audio packet and said second audio packet into one combined audio packet (Paragraph 0050; 0054. Audio inputs are mixed. Sum stream represents the mixed input of all selected inputs.);

forwarding said one combined audio packet to each of the first plurality of clients connected to said circuit-switched conferencing server (Paragraph 0052. Sum stream is directed to the GSTN endpoints.); and

forwarding said second audio packet to said second plurality of clients (Paragraph 0052. Output stream is transmitted to the packet-based endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

13. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach establishing, by said circuit switched conferencing server, a connection to said packet-switched conferencing server; designating said connection as an active speaker on said circuit-switched conferencing server; and forwarding, over said connection, said second audio packet to said packet-switched conferencing server, whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server.

14. Kung teaches of a system for audio conferencing, wherein a plurality of conferencing servers establish connections with each other for forwarding audio packets transmitted by a plurality of clients (Col 31, lines 29-50).

15. Baxley teaches of a conferencing server performing the functions of both a packet-switched and circuit-switched servers. Therefore, it would have been obvious to one of ordinary skill in the art that Baxley's teachings may be modified to provide independent packet-switched

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and circuit-switched servers. In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baxley and Kung to implement independent conferencing servers, i.e. packet-switched and circuit-switched, to establish connections with each other for forwarding audio packets because implementing independent conferencing servers would distribute the load of a server and offload processing power of a server (Col 31, lines 36-39).

16. As per claim 4, Baxley teaches substantially the invention as claimed including a computer readable storage medium for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

computer readable program code means for causing the computer to receive, a first audio packet, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

computer readable program code means for causing the computer to forward said first audio packet to each of the first plurality of clients connected to said packet-switched conferencing server (Paragraph 0051; 0052. Output stream is transmitted to the packet-based endpoints.);

computer readable program code means for causing the computer to receive, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.); and

computer readable program code means for causing the computer to forward said second audio packet to said second plurality of clients (Paragraph 0051; 0052. Output stream is transmitted to the GSTN endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

17. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server; and forwarding, over said connection, said second audio packet to said circuit-switched conferencing server; whereby said packet-switched conferencing server is independent from said circuit switched conferencing server.

18. Kung teaches of a system for audio conferencing, wherein a plurality of conferencing servers establish connections with each other for forwarding audio packets transmitted by a plurality of clients (Col 31, lines 29-50).

19. Baxley teaches of a conferencing server performing the functions of both a packet-switched and circuit-switched servers. Therefore, it would have been obvious to one of ordinary skill in the art that Baxley's teachings may be modified to provide independent packet-switched and circuit-switched servers. In addition, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baxley and Kung to implement independent conferencing servers, i.e. packet-switched and circuit-switched, to

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establish connections with each other for forwarding audio packets because implementing independent conferencing servers would distribute the load of a server and offload processing power of a server (Col 31, lines 36-39).

Conclusion


20. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 21, 2006
JJ

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